

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ARTURO TORRES OCHOA,

Plaintiff,

vs.

J. NAKASHIMA, *et al.*,

Defendants.

3:12-cv-00239-RCJ-VPC

**ORDER**

This is a civil rights action submitted by plaintiff pursuant to 42 U.S.C. § 1983. However, under 28 U.S.C. § 1915(g), plaintiff has been banned from filing actions *in forma pauperis* unless he can show he is in imminent danger of serious physical injury. Plaintiff cannot proceed *in forma pauperis* in this action or any other civil action filed in any federal court because he has had three (3) or more prior actions dismissed for failure to state a claim upon which relief may be granted, or as frivolous or malicious.<sup>1</sup> Plaintiff fails to plausibly allege that he is in imminent danger of serious physical injury. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that the exception to § 1915(g) applies “if the complaint makes a plausible allegation that the prisoner faced ‘imminent danger of serious physical injury’ at the time of filing.”). He must pre-pay the filing fee in full.

---

<sup>1</sup> *See Ochoa v. Cook, et al.*, 3:02-cv-00450-DWH-RAM; *Ochoa v. Willis, et al.*, 3:02-cv-00545-ECR-VPC (both dismissed for failure to state a claim upon which relief may be granted); *Ochoa v. Putter C/O, et al.*, 3:10-cv-00364-HDM-RAM (dismissed as delusional and factually frivolous). The court takes judicial notice of its prior records in the above matters.

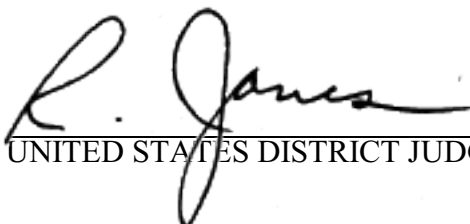
1       **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma pauperis*  
2 (ECF No. 1) is **DENIED**.

3       **IT IS FURTHER ORDERED** that this entire action will be dismissed without prejudice  
4 unless plaintiff pays the \$350.00 filing fee in full within **thirty (30) days** of entry of this order.

5       **IT IS FURTHER ORDERED** that the clerk shall send plaintiff two copies of this order.  
6 Plaintiff shall make the necessary arrangements to have one copy of this order attached to the check  
7 paying the filing fee.

8       **IT IS FURTHER ORDERED** that the clerk shall retain the complaint.

9       DATED this 3rd day of August, 2012.

10  
11         
12       UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26